

**ENROLLED MINUTES OF THE  
HIGHLAND WATERWORKS BOARD OF DIRECTORS  
THURSDAY, JUNE 28, 2018**

Study Session. The Highland Water Works Board of Directors convened in study session immediately before the Regular Meeting at 6:30 p.m. on Thursday June 28, 2018 in the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland Indiana, in order to discuss the final agenda of the regular meeting.

**ROLL CALL:** Present on silent roll call were Directors George Georgeff, George A. Smith, Ed Dabrowski, Larry Kondrat and Curt Schroeder. Also present were Derek Snyder, NIES Engineering Inc.; Mark Knesek, Operations Director; Rhett Tauber, Board Attorney; Bernie Zemen, Highland Town Council; Mike Pipta, Fire Department; Michael Griffin, Clerk Treasurer; and Kim Webb, Recording Secretary.

1. Mr. Griffin discussed a resident whose water was shut off after failure to pay her water bill on time. The resident of 3143 Grand Blvd came to the meeting to ask that her water be turned back on. The resident has been on a payment agreement to pay arrears since 4/6/2018. Failure to pay on time caused a default on the payment agreement. The matter will be further discussed during the regular meeting.

Regular Meeting. The Highland Water Works Board of Directors met in its Regular Session on Thursday, June 28, 2018 at 7:00 p.m. in the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland Indiana. Director Smith opened the meeting. The minutes were recorded by Kim Webb, Recording Secretary. The session was opened with the Pledge of Allegiance.

**ROLL CALL:** Present on roll call were Directors George Georgeff, George A. Smith, Ed Dabrowski, Larry Kondrat, and Curt Schroeder. A quorum was attained. Also present were Derek Snyder, NIES Engineering Inc.; Mark Knesek, Operations Director; Rhett Tauber, Board Attorney; Bernie Zemen, Highland Town Council; Mike Pipta, Fire Department; Michael Griffin, Clerk Treasurer; and Kim Webb, Recording Secretary.

**MINUTES:** President Georgeff asked if there were any corrections to the Minutes of the Regular Meeting of May 24, 2018 as prepared and posted. Director Smith moved to approve the minutes of the Regular Meeting on May 24, 2018. Director Dabrowski seconded. On a vote *viva voce*, the motion passed.

**Special Orders:** The resident of 3143 Grand Blvd is requesting to have her water service reestablished and her payment plan reinstated after shut off from a late payment. She is also requesting a waiver of the service fee and service surcharge. A one-time grace will be granted. Director Smith made a motion for the board to authorize the Clerk Treasurer to reestablish the service and reinstitute the payment plan and waive both the service and surcharge fees. Director Dabrowski seconded. On a vote *viva voce*, the motion passed.

**Communications:** None

**Unfinished Business and General Orders:**

1. An action to approve Pay Request No. 1 for the Wicker Park Manor Water Main Replacement and Street Improvement Project in the amount of \$42,210.00 (\$46,900.00 completed to date less

\$4,690.00 retainage) to Rex Construction. Director Kondrat moved to approve the action. Director Smith seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

2. An action to approve Pay Request No. 1 for the 45<sup>th</sup> Street Water Main Replacement Project in the amount of \$72,443.21 (\$80,492.45 completed to date less \$8,049.24 retainage) to Gough, Inc. Director Kondrat moved to approve the action. Director Smith seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

3. Highland Waterworks  
Board of Directors  
Resolution No. 2018-10

A Resolution regarding the recommendation and authorization for recovery of damages to Waterworks Plant and associated charges. Director Dabrowski moved to approve the motion. Director Schroeder seconded. On a vote *viva voce*, the motion passed. Rhett Tauber, Board Attorney, will proceed accordingly.

**HIGHLAND DEPARTMENT OF WATER WORKS  
WATER WORKS BOARD OF DIRECTORS  
RESOLUTION NO. 2018-10**

**A RESOLUTION REGARDING THE RECOMMENDATION AND AUTHORIZATION FOR  
RECOVERY OF DAMAGES TO WATERWORKS PLANT AND ASSOCIATED CHARGES**

**WHEREAS**, The Town Council as Legislative Body of the Municipality passed an Ordinance adopting the provisions of IC 8-1.5-4 establishing a department of waterworks controlled by a board of directors;

**WHEREAS**, The aforementioned Chapter incorporates the provisions of IC 8-1.5-3-4 entitled *Powers and Duties*, making it applicable to departments of waterworks, indicating that for the purposes set forth in those statutes, the board of directors serves as both the governing board and the municipal legislative body; and

**WHEREAS**, The Board of Directors has general supervisory powers over the utilities under its control, in particular to adopt rules for the safe, economical and efficient management of the utility and to make findings and determination;

**WHEREAS**, Section 12.05.090 (A) of the Highland Municipal Code Authorizes the Board of Waterworks Directors to adopt rules for the safe, economical and efficient management of the utility and to make findings and determinations as well as

recommend rates and charges for the operation of the utility for adoption by the municipal legislative body; and

**WHEREAS**, Section 12.05.090 (F) of the Highland Municipal Code further provides that the Board of Waterworks Directors shall have authority to enforce its rules and regulations according to rules it may promulgate including bringing suit in the name of the municipality for all legal and equitable relief,

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the Board of Waterworks Directors of the Waterworks District and the Department of Waterworks of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the Board of Waterworks Directors as the governing body of the Waterworks District and the Department of Waterworks of the Town of Highland now finds and determines the following:

(A) That Rule 1.14 of the Rules and Regulations of the Waterworks provides that all service pipes from the water main to the and including the buffalo box/curbs shall be maintained in good repair at the expense of the customer, including the replacement thereof if necessitated because of damage, corrosion, tuberculation or other deterioration; and

(B) That Rule 1.11 of the Rules and Regulations of the Waterworks provides in pertinent part that all service connections to the mains in the Highland water system shall be made by a licensed contractor and paid for by the owner of the property and that all taps shall be installed by a licensed plumber;

(C) That Rule 1.11 (12) of the Rules and Regulations of the Waterworks further provides in pertinent part that that any developer, general contractor or person responsible for disturbing or damaging water service or valve boxes once the services have been properly install *shall be liable for the cost of repairs;*

(D) That Rule 1.16.1 (H) of the Rules and Regulations of the Waterworks further provides in pertinent part that that Ordinary repairs to meters will be made by the utility without expense to the customer but Repairs of damage caused by carelessness or neglect on the part of the customer will also be made by the utility but the cost of such repairs shall be charged to the customer;

(E) That in March 2018, Esteven Marks, 3416 Martha Street, Highland, undertook an unauthorized excavation that led to the collapse of a four inch water main and a related sewer, for which Grimmer Construction was engaged by the Town to

make repairs to 15 feet of water main, and the building sewer damaged by the excavation; and

(F) That the Public Works Director as Utility Superintendent has the final invoices associated with the exigent repairs and restoration, all made necessary by the unauthorized excavation conducted by Mr. Marks;

**Section 2.** That owing to the foregoing findings and determinations, the Board of Waterworks Directors desires to authorize the recovery of the costs as set forth in the final invoices associated with the exigent repairs and restoration, all made necessary by the unauthorized excavation conducted by Mr. Marks, with these costs to be paid by Mr. Marks;

**Section 3.** That pursuant to the authority set forth under Section 12.05.090 (F) of the Highland Municipal Code to enforce its rules and regulations ... including bringing suit in the name of the municipality for all legal and equitable relief, and Rule 1.11 (12) of the Rules and Regulations of the Waterworks providing that any developer, general contractor or person responsible for disturbing or damaging water service or valve boxes once the services have been properly installed *shall be liable for the cost of repairs*, the Board of Waterworks Directors approves, authorizes and recommends the following measures:

- (A) That the Utility Superintendent shall present to Mr. Esteven Marks inviting his remittance, of the final invoices from the contractors engaged by the utility to repair and restore the water and sewer assets all made necessary owing to the unauthorized excavation conducted by Mr. Marks;
- (B) That if Mr. Esteven Marks does not make remittance, then the attorney for the Board of Waterworks Directors be instructed and authorized to prepare a demand letter under for the costs set forth in the invoices, setting a time for response and remittance;
- (C) That if Mr. Esteven Marks does not then make remittance following the demand letter as indicated, then that the attorney for the Board of Waterworks Directors be instructed and authorized to institute proceedings seeking legal relief including remittance of the amounts set forth in the invoices as described, as well as costs associated with the proceeding including attorney fees;

(D) That the Board of Sanitary Commissioners be notified of this resolution and its objects and purposes and invited to concur and affirm its actions particularly as related to the sewer repairs;

**Section 4.** That the Board of Waterworks Directors authorizes the Utility Superintendent to transmit a copy of this resolution as information to the Town Council and the Town Clerk-Treasurer;

**Section 5.** That the Board of Waterworks Directors authorizes the municipal fiscal officer to deposit any all remittances that may be recovered in consequence of this resolution to the credit of the proper fund of the waterworks, as required by law.

**DULY RESOLVED and ADOPTED** this 28th Day of June 2018 by the Board of Waterworks Directors of the Waterworks District and the Department of Waterworks of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**WATERWORKS BOARD of DIRECTORS  
TOWN of HIGHLAND, INDIANA**

*/s/ George Georgeff, President*

Attest:

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*/s/ George A. Smith, Secretary*

THIS RESOLUTION WAS PRESENTED TO THE BOARD OF SANITARY COMMISSIONERS AT ITS MEETING of \_\_\_\_\_ 2018. The Board of Sanitary Commissioners of the Sanitary District and the Department of Public Sanitation of the Town of Highland, Lake County, Indiana, now do concur and affirm the actions of the Board of Waterworks Directors set forth in this resolution, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**BOARD of SANITARY COMMISSIONERS  
TOWN of HIGHLAND, INDIANA**

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**Richard Garcia, Esq., President**

Attest:

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**David Jones, Secretary**

**New Business:** None

**Reports:**

1. Waterworks Superintendent – No Report
2. Waterworks Attorney – A renewal for the Interlocal Cooperation Agreement with The School Town of Highland will be finalized before the next scheduled meeting.
3. Waterworks Engineer - The 45<sup>th</sup> St Water Main and services are complete. Final paving is the only remaining work. It will be completed with the intersection project. The 5<sup>th</sup> St Water Main Project will start Monday July 2<sup>nd</sup> and finish by August 31<sup>st</sup>. The Wicker Park Manor Project will be completed by September 12<sup>th</sup>. The water main along Wicker Park Dr. and Walnut Dr. is installed.
4. Fire Department – No Report.

**Business from the Floor:** NONE

**Claims:**

Per the docket in the amount of:

062	Consumer Deposits	\$0.00
064	Waterworks Operating	\$212,896.96
066	Water Improvements	\$150,624.83
068	Water Capital	\$0.00
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Total		\$363,521.79

Director Smith moved to approve the claims per the June 28, 2018 docket in the amount of \$363,521.79. Director Dabrowski seconded. On a vote *viva voce*, the motion passed.

**Next Meeting:**

The next Public Meeting will be held on Thursday, July 26, 2018 at 7:00 p.m. following a regular study session at 6:30 p.m. at the Town Hall. President Georgeff gave notice that he would not be present at the next meeting. Director Smith made a motion to elect Director Dabrowski as Vice President. Director Kondrat seconded. On a vote *viva voce*, the motion passed.

**ADJOURNMENT:** With no other business to come before the Board of Waterworks Directors, Director Dabrowski moved to adjourn. Director Kondrat seconded. On a vote *viva voce*, the motion passed.

Meeting Adjourned at 7:25 p.m.

Respectfully Submitted,

Kim Webb, Recording Secretary